

REMARKSI. Introduction

Claims 1-38 were canceled in the Preliminary Amendment filed on May 29, 2001.

Claims 93, 118, 135 and 142 were cancelled without prejudice.

Claims 56-92; 94-117; 119-134; 136-141; 143; and 144 are withdrawn.

Applicant notes with appreciation that claims 54 and 55 are allowed.

Claims 39-53 are rejected.

Applicants traverse this rejection based on the remarks set forth below. Applicants respectfully request reconsideration and allowance of the pending claims.

II. Applicants' Reply to Rejections Under 35 U.S.C. § 101

Claims 39-53 are rejected under 35 U.S.C. § 101 as being as being directed to non-statutory subject matter. Applicants respectfully traverse.

The Office Action states, at page 2, item 5, that:

"[c]laims 39-52 are directed to a system comprising an "authoring system" and a "library server" including only

"logic" for performing various functions. The claimed "logic" is not limited to hardware by the specification or the claims. Therefore, the broadest reasonable interpretation of the claims includes at least some software-only embodiments. Since the claims are not limited to statutory subject matter, they are non-statutory.

Applicants respectfully disagree. Applicants' published application teaches, in one relevant part, such as paragraph [0018] that:

FIG. 1 illustrates a typical data processing system upon which one embodiment of the present invention is implemented. ... The system further comprises a random access memory (RAM) or other volatile storage device 104 (referred to as main memory), coupled to bus 101 for storing information and instructions to be executed by processor 102. Main memory 104 also may be used for storing temporary variables or other intermediate information during execution of instructions by processor 102. The system also comprises a read only memory (ROM) and/or static storage device 106 coupled to bus 101 for storing static information and instructions for processor 102, and a mass storage device 107 such as a magnetic disk drive or optical disk drive. Mass storage device 107 is coupled to bus 101 and is typically used with a computer readable mass storage medium 108, such as a magnetic or optical disk, for storage of information and instructions.

Again, paragraph [0019] it states that:

Note that any or all of the components of the system illustrated in FIG. 1 and associated hardware may be used in various embodiments of the present invention; however, it will be appreciated by those of ordinary skill in the art that any configuration of the system may be used for various purposes according to the particular implementation. In one embodiment of the present invention, the data processing system illustrated in FIG. 1 is an IBM™ compatible personal computer (PC), an Apple MacIntosh™ personal computer, or a SUN™ SPARC Workstation. Processor 102 may be one of the 80x86 compatible microprocessors such as the 80486 or PENTIUM™ brand microprocessors manufactured by INTEL. Corporation of Santa Clara, Calif.

Further, in paragraph [0020] it states,

The software implementing the present invention can be stored in main memory 104, mass storage device 107, or other storage medium accessible to processor 102. It will be apparent to those of ordinary skill in the art that the methods and processes described herein can be implemented as software stored in main memory 104 or read only memory 106 and executed by processor 102. This software may also be resident on an article of manufacture comprising a computer usable mass storage medium 108 having computer readable program code embodied therein and being readable by the mass storage device 107 and for causing the processor 102 to perform digital information library transactions and protocols in accordance with the teachings herein.

As claimed and as noted in the Office Action, both the "authoring system" and "library server" include "logic" for performing various functions. It is important to note, as described in paragraphs [0018], [0019], and [0020], that when software or firmware is discussed in the specification it is in the context of being stored either in some form memory of a computing device or on a tangible storage medium.

As such, claims 39-53 describe embodiments that are fixed in one or more computing devices (*i.e.*, are computing devices programmed to perform the claimed functions). Applicants respectfully submit that computing devices programmed to perform specific functions qualify as a new and useful machine under 35 U.S.C. § 101 are therefore statutory subject matter¹. See Interim Patent Subject Matter Eligibility Guidelines dated August 24, 2009.

However, to make clear that the claims 39-53 are directed toward embodiments that are fixed in one or more computing devices, applicants have amended independent claims 39 and 53 to specify that computer hardware in the library server is coupled to certain logic circuits recited therein.

¹ For computing devices not directed toward an abstract idea, law of nature, or natural phenomenon.

Accordingly, reconsideration and withdrawal of the rejection of claim 39-53 under 35 U.S.C. § 101 is respectfully requested.

VI. Conclusion

For the foregoing reasons, applicants respectfully submit that the claimed invention is patentable. Accordingly, reconsideration and allowance of pending claims 39-55 are respectfully requested. The Examiner is encouraged to contact Applicants' undersigned representative to discuss any matter that may expedite prosecution of this case.

Respectfully submitted,



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Michael E. Shanahan
Attorney for Applicants
Registration No. 43,914
McDermott Will & Emery, LLP
340 Madison Avenue
New York, NY 10173
212-547-5785
212-547-5444